

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CYPRIAN AKAMNONU (4),

Defendant.

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Criminal Action No. **3:12-CR-054-L**

MEMORANDUM OPINION AND ORDER

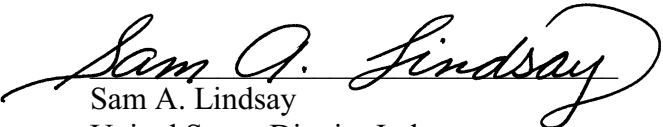
Before the court is Defendant Cyprian Akamnonu's Motion for Reconsideration of Order of Detention/Reopening Detention Hearing Due to Changed Circumstances, filed June 14, 2012. Defendant does not specify under what statute he is seeking relief. "If a person is ordered detained by a magistrate [United States magistrate judge], or by a person other than a judge of a court having original jurisdiction over the offense and other than a Federal appellate court, the person may file, with the court having original jurisdiction over the offense, a motion for revocation or amendment of the order." 18 U.S.C. § 3145(b). Defendant does not assert that he seeks either *revocation* or *amendment* of the magistrate judge's detention order entered March 3, 2012. Defendant asserts that due to changed circumstances and his need to meaningfully participate in his defense and receive effective assistance of counsel that he requests reconsideration of the current order of detention.

Other courts have handled similar requests in various ways. *See United States v. Simpson*, 2010 WL 3283053 (N.D. Tex. Aug. 19, 2010) (Court referred the defendant's motion for release on conditions or, alternatively, motion for reconsideration of the court's previous order of detention in light of new information, to the magistrate judge for recommendation);

United States v. Faulkner, 2010 WL 1267224 (N.D. Tex. Apr. 1, 2010) (Treating the defendant's motion for reconsideration of pretrial detention order as a motion under 18 U.S.C. § 3145(b) for revocation or amendment of the magistrate judge's detention order); *United States v. Colbert*, 2009 WL 2243793 (W.D. La. July 24, 2009) (Magistrate judge held a hearing on and denied defendant's motion to reconsider detention); *United States v. Gill*, 2008 WL 4951720 (S.D. Tex. Nov. 17, 2008) (Defendant filed a motion titled "Motion for Reconsideration and Request for Hearing to Amend Detention Order Pursuant to 18 U.S.C. § 3145(b).") Though the motion referred to section 3145, defendant's motion was treated as a motion to reopen the issue of detention pursuant to 18 U.S.C. § 3142(f)(2), which permits a judicial officer to reopen the issue of detention at any time if information exists which was unknown to the movant at the time of the hearing and which has a material bearing on the issue of whether there are conditions of release that will reasonably assure the appearance of the defendant and the safety of the community.)

As Defendant Akamnonu requests reconsideration of the magistrate judge's order of detention and that the court reopen his detention hearing due to changed circumstances, the court **determines** that resolution of his motion by the magistrate judge is appropriate. Accordingly, Defendant Cyprian Akamnonu's Motion for Reconsideration of Order of Detention/Reopening Detention Hearing Due to Changed Circumstances **is hereby referred to United States Magistrate Judge Irma Carrillo Ramirez**, for hearing, if necessary, and determination.

It is so ordered this 18th day of July, 2012.


Sam A. Lindsay
United States District Judge

